

Remarks

Before proceeding with discussion of the present amendment, Applicants wish to thank the Examiner for the attention given to this application during the telephone interview. The Office Action mailed July 16, 2002, has been received and reviewed. Claims 1 and 26-36 are currently pending in the application. All claims stand rejected. In accordance with the discussion during the interview, applicants have amended claims 27 and 34. Reconsideration of the application as amended herein is respectfully requested.

Claims 26-27, 32 and 34 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly containing new matter. At page 4, the Office Action states “the as-filed specification as a whole neither teaches nor suggests nor contemplates using an immunoglobulin protein from the group consisting of IgG1 and IgG2.” Although applicants respectfully disagree with this allegation, claims 27 and 34 are amended herein to remove IgG1 and IgG2, in order to facilitate allowance of the claims. As no reference is now made in the claims to IgG1 or IgG2, applicants accordingly request this rejection be withdrawn and the claims allowed.

Claims 1 and 26-36 were rejected under 35 U.S.C. § 102(a) as allegedly anticipated by de Groot N, van Kuik-Romeijien P, Lee SH, & de Boer, Over-expression of the murine polymeric immunoglobulin receptor gene in the mammary gland of transgenic mice, *Transgenic Research* 8: 125-135, 1999 (de Groot et al.).

In the Response to the prior Office Action, applicants provided a copy of a letter from Kluwer Academic Publishers B.V., the publisher of *Transgenic Research* (Exhibit A of the Response). This letter provided the printing date of this issue of the journal as July 22, 1999 and the shipment date as August 3, 1999. A declaration from Herman Albert de Boer evidencing these dates, and identifying the material as Applicants’ own work is submitted with this Amendment. Applicants respectfully submit that as the declaration establishes the cited reference as applicants’ own work, this rejection should be removed and claims 1 and 26-36 be allowed.

The Abstract of the disclosure was objected to in the Office Action with respect to the use of the word “means” and correction was required. Applicants have amended the abstract herein and respectfully submit that no further action is required on this point.


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With respect to the objections to the drawings, Applicants have submitted formal drawings with this Amendment and believe no further action is required on this point. With respect to the citation of references, an Information Disclosure statement has been prepared and is submitted with this Amendment to ensure all the references are considered.

CONCLUSION

All claims are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact Applicants' undersigned attorney.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION:

Please replace the Abstract appearing on page 38 of the application with the following replacement Abstract:

[Abstract] Abstract

[In one aspect, the invention provides means and methods] Methods and processes for raising the concentration of a first class of immunoglobulin relative to at least a second class of immunoglobulin in a compartment of the body of a non-human animal or the progeny thereof, as well as the animals produced by such methods and processes. [Means and methods may be used] Such methods and processes provide for the collection of antibodies produced by mucosal surfaces of the animal. Preferably, the production is in the mammary gland. Antibodies can be collected from the milk of said animal. Antibodies may be used for medical and/or nutritional purposes.

IN THE CLAIMS:

Please amend claims 27 and 34 to appear as follows.

27. (Amended) The transgenic farm animal of claim 26, wherein the immunoglobulin protein is selected from the group consisting of IgM [,] and IgA [, IgG1 and IgG2] .

34. (Amended) The method according to claim 32, wherein collecting milk comprising said immunoglobulin protein comprises collecting milk comprising either IgM [,] or IgA [, IgG1 or IgG2] .